

Civilian Review Board Work Group Report and Recommendations

December 16, 2020

Overview of Civilian Review Board Work Group

Following the recommendation of the Community Safety Advisory Commission (“CCSAC”) and in response to community-wide protests over the use of force by police officers, on June 5, 2020, Mayor Andrew J. Ginther announced plans to create a work group to develop a Civilian Review Board (the “Board”) in Columbus.

In July 2020, Mayor Ginther seated the Civilian Review Board Work Group (the “Work Group”) to study best practices and develop the structure of a civilian oversight model for Columbus. The group consisted of subject-matter experts and community stakeholders empowered to make recommendations to the Administration. The Work Group is composed of the following community members:

- Jasmine Ayers, People’s Justice Project
- Fred Benton, Attorney at Frederick D. Benton, Jr. Law
- Bo Chilton, Impact Community Action
- Lewis Dodley, Impact Community Action
- Stephanie Hightower, Columbus Urban League
- Frederick Lamarr, Baptist Pastors Conference
- Kent Markus, Columbus Bar Association
- Jonathan McCombs, Franklin University - College of Health and Public Administration
- Ismail Mohamed, Ismail Law Office LLC
- Densil Porteous, Stonewall Columbus
- Aslyne Rodriguez, COTA
- Janay Stevens, John Mercer Langston Bar Association, Vorys, Sater, Seymour and Pease LLP
- Kyle Strickland, Kirwan Institute
- Erin Synk, Columbus Safety Commission, South Side Area Commission
- Nana Watson, NAACP
- Anthony Wilson, National Organization of Black Law Enforcement - Columbus Chapter, Columbus Metropolitan Library

The Administration advanced an amendment to the charter (“Charter Amendment”) that would create a Civilian Review Board and Inspector General to investigate complaints of officer misconduct. Importantly, the Charter Amendment provides for the power to subpoena testimony and evidence during investigations. In addition, it provides the Board will make discipline recommendations to the Columbus Division of Police (the “Division”). The Charter Amendment further creates a Department of the Inspector General, with the Inspector General being appointed by a two-thirds vote of the Board and confirmed by the Mayor. The Inspector General will investigate complaints under the guidance of the Board. On July 27, 2020, City Council approved the Charter Amendment. On November 3, 2020, Columbus residents passed the Charter Amendment (Issue 2) by an overwhelming majority of 74%.

RAMA Consulting Group (“RAMA”) facilitated the discussion during the Work Group’s seven meetings. The Mayor’s Office Staff and City Council Staff provided additional support to the Work Group. The following is a chronological list of meeting dates and topics:

- Meeting 1 – August 4, 2020
 - Introduction and Work Group Charge – Mayor Andrew Ginther

- Rules of Engagement – Mo Wright, RAMA Consulting Group, and Lara Baker-Morrish, Chief Counsel, Deputy City Attorney
- Overview of Charter Amendment – Ken Paul, Chief of Staff
- Civilian Review Boards - The National Landscape, Ronald Linville, Baker & Hostetler, LLP
- Meeting 2 – August 20, 2020
 - Powers and Structure of CRBs in Other Cities – Alexa Cellier, Baker & Hostetler, LLP
 - CRB Operations Model – Jason Jenkins, City of Columbus
- Meeting 3 – September 2, 2020
 - Overview of Chicago Police Board – Ghian Foreman, President of Chicago Police Board
 - Inspector General Roles and Responsibilities – Alexa Cellier, Baker & Hostetler, LLP
- Meeting 4 – September 22, 2020
 - Civilian Review Board and Inspector General Recap – Mo Wright, RAMA
 - Overview of Collective Bargaining Process – Jennifer Edwards, Baker & Hostetler, LLP
- Meeting 5 – October 6, 2020
 - Collective Bargaining Process – Jennifer Edwards, Baker & Hostetler, LLP
- Meeting 6 – November 10, 2020
 - Facilitated Discussion by Mo Wright, RAMA
- Meeting 7 – December 3, 2020
 - Debrief conducted by Mo Wright and Brandon Boatner, RAMA

The creation of a CRB, particularly one with significant authority, is no small undertaking. Many cities have encountered substantial barriers to creating and empowering their own civilian review boards; and many cities have tried differing models of boards with varying levels of success over time. The Work Group issues the following recommendations to Mayor Ginther, recommending that creative solutions may help the City overcome any challenges it may face.

Executive Summary

Based on information and data gleaned during the Work Group's seven meetings and the CRB Work Group members' individual thought and analysis, the Work Group developed and adopted 17 recommendations for Mayor Ginther about the best structure and powers of the Board for the City of Columbus.

The Work Group's recommendations were approved in a December 3, 2020 public meeting by a majority vote of Work Group members present. While the body of this report presents the majority's final recommendations, the minority position is also noted throughout. The Work Group recommends as follows:

Composition and Structure:

- **Recommendation 1:** The Board should have nine voting members serving staggered terms of a maximum of three years, with a cap of two consecutive terms. The members should be volunteers.
- **Recommendation 2:** The Mayor should recommend the Board members for appointment with City Council's approval.
- **Recommendation 3:** The Mayor and City Council should consider the following factors in evaluating applicants or referrals for membership: diversity that is representative of the Columbus community (race, ethnicity, age, politics, gender, sexual orientation, religion, socioeconomic, professional skill); residency in and/or connection to Columbus; and relevant knowledge and/or experience in a similar role. The application process should be open to anyone who wants to apply via an online application.
- **Recommendation 4:** There is no background or experience that should prohibit an applicant's appointment to the Board. Instead, the Mayor and City Council should consider, on a case-by-case basis, whether an applicant with a prior felony conviction or affiliation with the City or law enforcement should be appointed, with a focus on ensuring the credibility and legitimacy of the Board. There should be a full background check for any Board member.
- **Recommendation 5:** After a member is seated on the Board, the Work Group recommends grounds for removal include: neglect of duty/failure to attend meetings; malfeasance; failure to disclose a conflict of interest; failure to complete mandatory training; criminal conviction; or any other circumstance the Board deems necessary. The Board should develop processes for the removal of one of its members. The Work Group does not recommend automatic grounds for removal, such as conviction of a crime.
- **Recommendation 6:** The Inspector General should have a five-year term that is renewable for an additional five-year maximum with for cause removal for the same reasons recommended for Board members.
- **Recommendation 7:** The Board should consider prior investigation experience of applicants for Inspector General, though that need not have been acquired in law

enforcement. The Board should also consider the applicant's experience in managing people because they will manage a team of investigators and support staff.

- **Recommendation 8:** The Board members should receive training in police tactics, constitutional law, de-escalation, implicit bias, and other valuable topics at the beginning of their terms and throughout their years of service.
- **Recommendation 9:** At a minimum, the Board should meet on a quarterly basis.

Functions and Powers:

- **Recommendation 10:** The Board/Inspector General should have broad, independent investigative powers. The Board/Inspector General should conduct some independent investigations, and at a minimum, should investigate allegations of excessive use of force and allegations of misconduct that is discriminatory in nature.
- **Recommendation 11:** The Inspector General should review the fairness of Internal Affairs Bureau ("IAB") investigations and recommend changes to policies and procedures related to those investigations.
- **Recommendation 12:** Consistent with the Charter Amendment, the Board should recommend discipline while the Chief and Safety Director retain ultimate authority.
- **Recommendation 13:** The Board should oversee implementation of the Division's policies and procedures, recommending overall policy changes while the Safety Director and Chief manage daily operations.
- **Recommendation 14:** The Charter Amendment provides the Board may request issuance of subpoenas with City Council's or the City Attorney's approval. Revisions to the collective bargaining agreement ("CBA") with the Fraternal Order of Police ("FOP"), Lodge 9 and state law may be needed to fully empower the Board to compel attendance of witnesses and production of documents.
- **Recommendation 15:** The Board should engage the community with the Division in a non-law-enforcement capacity and obtain input from the community on a variety of subjects.
- **Recommendation 16:** The Board should report at least annually on the disposition of citizen complaints, Division operations, and other topics. It should report to the public, the Chief, the Safety Director, and City officials.
- **Recommendation 17:** The Board should recommend changes to hiring and promotional policies, procedures, and practices.

Recommendations from the Civilian Review Board Work Group for Mayor Andrew J. Ginther

Developed over the course of seven meetings after reviewing best practices in comparable jurisdictions, the following recommendations represent the culmination of the Civilian Review Board Work Group's efforts since August 4, 2020. Each recommendation was adopted at a public meeting by a majority vote of the Work Group members present. Each recommendation is summarized below and includes discussion or background as presented to and discussed by the members.

Composition and Structure:

Recommendation 1: The Board should have nine voting members serving staggered terms of a maximum of three years, with a cap of two consecutive terms. The members should be volunteers.

The Work Group discussed the possibility of Board membership ranging from seven to 11 members.¹ The median and average for the largest cities in the United States is between 10 and 12 members. Administrative and efficiency concerns weigh in favor of a smaller board. An odd number of members prevents ties during votes. Staggered terms of a maximum of three years would allow the Board to maintain institutional knowledge while still bringing in new and different ways of thinking. Further, three-year terms are average for the largest cities' boards.

Staggering the terms would allow the Board to remain diverse in thought and help ensure an administration is able to appoint members who are aligned with its own goals and objectives with sufficient regularity. The Work Group recommends a limit of two consecutive terms to balance the need for the introduction of new ideas with the opportunity to create and build upon institutional knowledge. Because most cities' board members are volunteers, the Work Group recommends that the Columbus Board's members also be volunteers.

Recommendation 2: The Mayor should recommend the Board members for appointment with City Council's approval.

¹ The Work Group focused primarily on the 16 largest cities in the United States, as well as Baltimore, which the CCSAC Report recommended as a model for Columbus. The 16 largest cities, other than Columbus, are: New York, Los Angeles, Chicago, Houston, Phoenix, Philadelphia, San Antonio, San Diego, Dallas, San Jose, Austin, Jacksonville, Fort Worth, Charlotte, San Francisco, and Indianapolis. The primary sources that informed the Work Group's analysis were:

- Darrel W. Stephens, *Civilian Oversight of the Police in Major Cities*, U.S. Department of Justice Community Oriented Policing Services (2018);
- The Police Union Contract Project, *available at* <http://www.checkthepolice.org> (last visited 7/6/2020);
- Sharon R. Fairley, *Survey Says?: U.S. Cities Double down on Civilian Oversight of Police Despite Challenges and Controversy*, *Cardozo L. Rev.* (2020);
- *An Interactive Guide to the Civil Rights Division's Police Reforms*, the Civil Rights Division of the U.S. Department of Justice (Jan. 18, 2017), *available at* <https://www.justice.gov/crt/page/file/922456/download>; and
- *Standards and Practices*, The National Association for Civilian Oversight of Law Enforcement (2016), *available at* https://www.nacole.org/standards_practices.

In most cities, the Mayor, City Council, and/or the City Manager appoint members. The Work Group discussed the possibility of electing Board members at length, ultimately concluding it would be administratively infeasible at this time and may raise concerns about the Board's independence. Moreover, the election of Board members is not common in other cities. Allowing the Mayor to recommend and City Council to appoint the members would maintain Board members' independence while allowing residents to influence the process through their choice of elected officials, including the Mayor and City Council. Additionally, the Work Group concluded the appointment of members would allow the City to ensure the diversity the Work Group believes is critical.

A minority of Work Group members dissented because they strongly believed certain community organizations should have the opportunity to directly appoint members. The majority of the Work Group members supported the current recommendation because community organizations may recommend Board members to the Mayor. The majority of the Work Group members also recommend the Mayor and City Council develop a "short list" of qualified potential members based on community organizations' recommendations. The Work Group acknowledges that community organizations' direct involvement may raise First Amendment concerns that would need to be vetted.

All members agreed to the compromise of allowing the Mayor to make recommendations for appointments to City Council for approval. The Work Group recommends the Board consider additional avenues to Board membership in the future with an eye toward ensuring the protection of all residents' First Amendment rights.

Recommendation 3: The Mayor and City Council should consider the following factors in evaluating applicants or referrals for membership: diversity that is representative of the Columbus community (race, ethnicity, age, politics, gender, sexual orientation, religion, socioeconomic, professional skill); residency in and/or connection to Columbus; and relevant knowledge and/or experience in a similar role. The application process should be open to anyone who wants to apply via an online application.

The Work Group considered many factors used by other cities to select board members. Because the Work Group does not want to overly constrain the City so that it misses opportunities for excellent candidates to serve, it decided to recommend broad factors. Diversity is important for ensuring the Board represents the Columbus community and has robust discussions incorporating multiple perspectives.

The Work Group recommends the Mayor and City Council consider each applicant's residency so that the Board is primarily Columbus-based but also understands there may be exceptional candidates who live outside Columbus but work within the City limits. Work Group members expressed concern, however, that too few Board members may live in Columbus. Accordingly, the Work Group recommends the Mayor and City Council only deviate from Columbus residency for a candidate with specialized expertise or a unique perspective.

Relevant knowledge and/or experience of the criminal justice system, public safety procedures, the legal system, socioeconomic policies, and other issues should also inform the Mayor's selection of appointees. The Work Group recommends an open application process available

online, supplemented by community action organizations' and other groups' recommendations to the Mayor.

Recommendation 4: There is no background or experience that should prohibit an applicant's appointment to the Board. Instead, the Mayor and City Council should consider, on a case-by-case basis, whether an applicant with a prior felony conviction or affiliation with the City or law enforcement should be appointed, with a focus on ensuring the credibility and legitimacy of the Board. There should be a full background check for any Board member.

The Work Group recommends the City perform a full background check on all Board members. Several cities have automatic disqualifiers for CRB members, such as prior felonies or crimes of moral turpitude, holding public office, being a current or former member of law enforcement for some period of time, and having family in or formerly in law enforcement. The Work Group recommends the Mayor and City Council consider these factors in selecting Board members; however, the Work Group does not recommend these factors operate as automatic exclusions. Individuals who have turned their lives around should be able to influence how police are serving in their community. Further, the Work Group recognizes convictions may have resulted from systemic issues within the criminal justice system—issues the Board will attempt to uncover and eradicate. On the other hand, the Work Group also recognizes that the Board, which will stand in judgment of officers' conduct, should hold itself to the same level of integrity as is expected of officers. As a result, the Mayor and City Council should give due consideration to applicants' criminal histories without immediately disqualifying them on that basis alone.

Many cities also disqualify public employees from serving on their boards. The Work Group understands the importance of ensuring Board members are independent from the City; however, it does not believe public employment should immediately disqualify applicants. Rather, the Mayor and City Council should consider whether a Board member's public employment would hinder the Board's ability to reflect the residents of Columbus and to make judgments independent of that member's public office.

Likewise, the Work Group recognizes the value of having law enforcement experience informing the Board in its work. On the other hand, the purpose of the Board is to provide civilian oversight—to avoid police policing themselves. As a result, the Work Group recommends the Mayor and City Council carefully consider whether an applicant's law enforcement experience would assist the Board or serve as a detriment to its independence.

Recommendation 5: After a member is seated on the Board, the Work Group recommends grounds for removal include: neglect of duty/failure to attend meetings; malfeasance; failure to disclose a conflict of interest; failure to complete mandatory training; criminal conviction; or any other circumstance the Board deems necessary. The Board should develop processes for the removal of members. The Work Group does not recommend automatic grounds for removal.

In particular, the Work Group does not believe a current Board member's conviction of a crime should result in immediate termination of Board membership because there are flaws in the criminal justice system that may make a conviction more likely. On the other hand, the Work Group recognizes Board members with current criminal indictments may not be able to objectively evaluate the actions of officers involved in their own arrests or investigations or in

investigations related to similar criminal acts or officer actions. Consequently, the Mayor and City Council should consider whether a current criminal conviction justifies a Board member's removal.

Additionally, the Work Group recommends the City follow its usual process and bases for removing appointed officials for cause, whether due to neglect of duty, malfeasance, etc.

Recommendation 6: The Inspector General should have a five-year term that is renewable for an additional five-year maximum with for cause removal for the same reasons recommended for Board members.

In coming to this recommendation, the Work Group discussed that the Mayor and City Council do not have term limits. However, the Work Group also recognizes the risks that may arise from having an Inspector General for an unlimited amount of time who is hostile to public officials and/or to the Board. A minority of Work Group members expressed concern with even a five-year term because the Inspector General might not reflect the community if they are too difficult to replace. A compromise of a maximum of two five-year terms presents a balance of retaining institutional knowledge and experience while ensuring the Inspector General remains current with the community's expectations.

The Work Group recommends the for-cause removal process applied to the Board should also apply to the Inspector General. This recommendation also alleviates some concerns about an Inspector General who is not meeting the Board's expectations.

Recommendation 7: The Board should consider prior investigation experience of applicants for Inspector General, though that need not have been acquired in law enforcement. The Board should also consider the applicant's experience in managing people because they will manage a team of investigators and support staff.

The Work Group is aware of the high-caliber qualifications needed for an Inspector General who will investigate complaints of police officer misconduct and recommend changes to policies and procedures. In particular, the Inspector General should have experience conducting investigations and managing a team of investigators and support staff. The Work Group expressed concern with the Inspector General being a former police officer because it may create the appearance of a lack of Board independence, but the Work Group does not recommend prior law enforcement experience automatically exclude an applicant from serving. The Work Group recommends in selecting the Inspector General, the Board consider other forms of investigation experience, such as internal investigation of employee misconduct, white collar crimes, and other compliance issues; administrative governmental investigations (i.e. workers' compensation); private investigator experience; and experience as an auditor.

Recommendation 8: The Board members should receive training in police tactics, constitutional law, de-escalation, implicit bias, and other valuable topics at the beginning of their terms and throughout their years of service.

Many of the cities with civilian review boards provide training to board members at the beginning of and throughout their service. These typically include a review of the following topics:

- Public records and meeting laws;
- Confidentiality requirements;
- State and local laws relating to peace officers' personnel actions, rights, and privacy;
- Case law concerning stops and detentions, search, seizure, and arrest;
- Steps in the criminal justice process;
- Division directives;
- Patrol practices and procedures;
- First Amendment activities;
- Racial profiling;
- Mediation;²
- De-escalation techniques; and
- Ride-alongs.

The Work Group recommends the Board consider the National Association for Civilian Oversight of Law Enforcement's suggestions when establishing training requirements under its bylaws, policies, and procedures.

Recommendation 9: At a minimum, the Board should meet on a quarterly basis.

The Work Group recommends the Board meet at least once per quarter to discuss pending investigations and the disposition of completed investigations, recommendations regarding discipline and changes to policies and procedures, community outreach events, and operational issues. A minority of Work Group members expressed concern that four meetings per year is not sufficient, but ultimately, there was consensus the Board should retain discretion to set a more frequent schedule based on operational needs.

Functions and Powers:

Recommendation 10: The Board/Inspector General should have broad, independent investigative powers. The Board/Inspector General should conduct some independent investigations, and at a minimum, should investigate allegations of excessive use of force and allegations of misconduct that is discriminatory in nature.

The Board's ability to conduct investigations independent of the Division of Police is one of its most important powers. This power would likely be exercised through the Inspector General. New York, Chicago, San Francisco, and Baltimore have CRBs with significant investigation powers. Independent of the IAB, the Department of Public Safety, and the Equal Employment Opportunity Office, the Board should be able to investigate complaints alleging violations of the use of force

² The Work Group also discussed that the power to mediate might be valuable for the Board. The power to enforce the results of a mediation would require the power to issue discipline, which the Board does not yet have under the Charter Amendment. However, to the extent mediation could be used for minor violations to simply connect the complainant with the accused officer for an informal discussion, the Work Group suggests the City consider providing the Board with that power.

policy and discriminatory treatment based on characteristics protected by law, such as race. It would be valuable for the Board to investigate citizen and employee complaints that an officer:

- abused their authority;
- falsely arrested or imprisoned a complainant;
- sexually harassed or discriminated against a City of Columbus employee³;
- denied an individual's access to counsel;
- engaged in domestic violence;
- used offensive language, including, but not limited to, slurs relating to race, ethnicity, religion, gender, sexual orientation, and disability; or
- failed to report that a fellow officer engaged in any of the above.

Many other cities' boards investigate such allegations of misconduct. The Work Group also recommends the Board investigate when an officer discharges a firearm in a manner that could (or did) strike another individual, uses a stun gun or taser that results in death or serious bodily injury, and discharges other weapons or uses police department equipment as a weapon. Further, the Work Group recommends the Board have authority to investigate officer-involved deaths, in-custody deaths, and allegations of patterns of officer misconduct.

For this model to be effective, the Division must be required to cooperate fully in investigations, including by providing records and evidence requested by the Board (except those that cannot be disclosed by law).

The Work Group envisions the Board would have the authority to conduct an investigation parallel to one that may be conducted by any outside agency and the discretion to decline to investigate when another agency is doing so.⁴

However, the Work Group recognizes administrative and contractual constraints might limit the Board's ability to investigate all alleged violations falling within these categories. The Work Group understands it might be helpful for Board members to first shadow investigations conducted by the IAB to obtain experience and assess which methods could be improved. Further, shadowing investigations would likely create fewer potential conflicts with the collective bargaining agreement. When shadowing, the Board could recommend that the IAB conduct further interviews and gather additional evidence when appropriate. However, the Work Group does not believe shadowing will create the change mandated by the passage of the Charter Amendment and therefore urges the Mayor to push for strong investigative powers in the City's collective bargaining negotiations.

Recommendation 11: The Inspector General should review the fairness of IAB investigations and recommend changes to policies and procedures related to those investigations.

³ Currently, sexual harassment and discrimination complaints by other City of Columbus employees are investigated by the Assistant Director of EEO Compliance in the Department of Public Safety. The Work Group recommends the City consider whether investigation of these complaints should remain within the Department of Public Safety or whether this responsibility should be reassigned to the Board and its staff.

⁴ Generally, the City (including the Board) must forego administrative investigations until a criminal investigation is complete. Note that pursuant to Executive Order No. 2020-06, the Ohio Attorney General's Bureau of Criminal Investigation is investigating all Columbus police officer use of force incidents resulting in serious injury or death.

The Work Group recognizes the volume of citizen and employee complaints, potential volume of use of force incidents, and the need for other investigations, in addition to the requirements of the CBA with the FOP, Lodge 9, will likely necessitate that the IAB continue to conduct some investigations. The Board, through the Inspector General, should review some of these investigations, as well as the accompanying disciplinary processes and procedures, for procedural fairness. While the CBA protects officers' due process rights, the Inspector General would have the responsibility to protect the citizen or employee complainant's interests. Ultimately, the Work Group recommends the Inspector General exercise this authority by directing the IAB to engage in further questioning, directing the IAB to revise investigation reports, as appropriate, and recommending changes in the overall investigation process.

The Work Group studied how many jurisdictions use the review/monitor function to improve their police department's investigation processes, rather than conducting their own investigations. This type of review is usually more cost-effective than a CRB conducting its own investigations. It can also result in changes to discipline in individual cases and more significantly impact the internal workings of the Division. The review/monitor function probably creates fewer contractual issues than the investigation function. Moreover, the national FOP proposed a review/monitor model as its version of a CRB, perhaps indicating Lodge 9 would be more open to a CRB with this function. Cities with CRBs with similar authority include Houston, San Jose, Austin, Fort Worth, and Indianapolis.

Recommendation 12: Consistent with the Charter Amendment, the Board should recommend discipline while the Chief and Safety Director retain ultimate authority.

The Work Group recommends the Board have the ability to make disciplinary recommendations to the Chief when investigations determine officers engaged in misconduct. If the Chief were to disagree, they would have the opportunity to reconsider their position and/or explain in writing the reasons for that disagreement. The Board should take the Chief's position under consideration and either revise its position or explain in writing the reasons for the continued disagreement. After reviewing the Board's revised conclusion, the Chief would issue a final decision on discipline (or a final recommendation to the Safety Director).

The Work Group discussed at length the possibility of a Board that could **implement** disciplinary decisions. That power is exceedingly rare, and even where it has been granted by local law, it has faced significant barriers with respect to state law and collective bargaining agreements. Here, state law and certain sections of the City Charter create obstacles to allowing the Board to immediately implement discipline. Moreover, the Charter Amendment approved by Columbus residents creates the right for the Board to make disciplinary **recommendations**. The Work Group ultimately determined disciplinary recommendations are appropriate because they exert pressure on key figures in public safety—such as the Chief of Police and Safety Director—to issue appropriate discipline. Further, the Board could exercise the power to recommend discipline almost immediately, whereas the power to issue discipline would require many changes that may delay the Board in having **any** influence over discipline. The Work Group also believes arbitrators hearing grievances over discipline would be more likely to uphold the City's decision where the public—through the Board—expresses that it expects better conduct from its officers.

Recommendation 13: The Board should oversee implementation of the Division's policies and procedures, recommending overall policy changes while the Safety Director and Chief manage daily operations.

The Work Group understands the City has already appointed the Chief's Advisory Panel ("CAP") to review and recommend changes to Division policies and procedures. Even if the CAP remains in place, it is important that Columbus have a civilian group with the authority to review, revise, and guide the Division in its implementation of policies and procedures. The Board can fill this role or appoint another civilian group with the authority to work with the Division to develop and analyze policy, monitor the progress of policy implementation, and review proposed Division actions. In this role, the Board would set overall objectives and goals for the Division, while the Chief would be responsible for ensuring the Division's daily operations reflect and drive progress toward those goals and objectives. The Board would also oversee and have input into the Division's budgetary appropriations.

Los Angeles' and Chicago's civilian oversight models provide examples of the Work Group's recommendations regarding this power. The Work Group hopes the Board, CAP, Chief, and Safety Director can work together to improve Division policies and practices.

Recommendation 14: The Charter Amendment provides the Board may request issuance of subpoenas with City Council's or the City Attorney's approval. Revisions to the CBA with the FOP, Lodge 9 and state law may be needed to fully empower the Board to compel attendance of witnesses and production of documents.

To support the Board's access to all information necessary to fully exercise its investigatory duties, the Board would need complete access to Division personnel for interviews (to the extent permitted by law) as well as to relevant documents, including: internal affairs files; citizen complaints; Division documents; past assignments and disciplinary action; Division Directives and training manuals; and general summaries, statistical compilations, and internal reports on officer-involved shootings, injuries, and other topics. To be most effective, the Board would also need its own in-house counsel or the authority to obtain outside counsel to assist it with enforcing subpoenas and other legal matters.

State law changes may be necessary to empower the Board with the ability to compel compliance with subpoenas in court with respect to individuals outside of the City's jurisdiction. While many cities have focused on subpoena power to make their CRBs effective, sources suggest that CBA provisions already requiring officers to cooperate with internal or external investigations may render this power unnecessary. Other sources suggest that investigation rights granted to officers under a CBA may limit the power of subpoenas. The Work Group recommends the Board have the ability to obtain subpoenas and also urges the Mayor to push for changes to the CBA to make that power fully effective.

Recommendation 15: The Board should engage the community with the Division in a non-law-enforcement capacity and obtain input from the community on a variety of subjects.

One of the most critical roles a CRB can play is to act as a liaison between community members and the Division and to create opportunities for civilians to interact with Division officers in a

non-law-enforcement capacity. Accordingly, the Board should encourage and create opportunities for residents to express dissatisfaction and other feedback they may have in a safe setting. The Board should also seek to improve community relations by providing opportunities for positive interactions with police officers.

The Work Group recommends the Board consider the creation of specific opportunities to interact with community groups, such as New York's youth advisory council or a council directed toward building stronger relationships between Division officers and newly-arrived immigrants. In addition to New York city's CRB, model CRBs with respect to community outreach include Los Angeles, Chicago, and Charlotte. The Work Group is hopeful the FOP will embrace the opportunity to engage in community outreach activities led by the Board for the purpose of improving police-community relations.

Recommendation 16: The Board should report at least annually on the disposition of citizen complaints, Division operations, and other topics. It should report to the public, the Chief, the Safety Director, and City officials.

The Board should provide annual or more frequent reports on the following topics, among others: Division operations; citizen complaints received; investigation of citizen complaints; case dispositions; discipline; trends and patterns; body camera use; officer-involved shootings; and racial profiling. Most cities' CRBs have not encountered contractual challenges to gathering data and preparing these types of reports. The Board should review the reports of the CRBs of New York, Los Angeles, Chicago, Charlotte, and Austin when creating templates for its own reports.

Recommendation 17: The Board should recommend changes to hiring and promotional policies, procedures, and practices.

There are many ways for a civilian oversight board to influence hiring and promotion. The Work Group recommends the Board have the authority to interview and recommend future candidates for the role of Chief; directly assist in selecting officer recruits; and recommend changes to the promotional, assignment, and transfer processes. The Board should also recommend to the Chief and Safety Director the use of behaviorally-based hiring and promotional requirements that measure character for Division personnel. Currently, civilians do participate in both the hiring of recruits and the promotion of officers; the City should consider the level and type of the Board's involvement in this process.

The Work Group recognizes the City Charter limits its ability to actually appoint or remove the Chief (rather than make recommendations). While the Board may play a direct or indirect role in hiring recruits, the Work Group recognizes the CBA may create challenges to the Board fully effectuating a role in decisions affecting current Division employees.

Appendix

The following information is a complete and itemized description of the contents presented to the Civilian Review Board Work Group. Because the size of some documents is quite large, the online record of the Appendix can be conveniently found on the City of Columbus' dedicated webpage at the following address: <https://www.columbus.gov/mayor/Issues-and-Initiatives/Civilian-Review-Board/Materials/>. The Appendix lists the documents presented during the meetings in chronological order.

In some cases, the Appendix also includes a video of the meeting, hyperlinked to connect the reader to the uploaded media. The online record of any hyperlinked video in the Appendix can be found at the City's YouTube webpage <https://www.columbus.gov/mayor/Issues-and-Initiatives/Civilian-Review-Board/Videos/>.

A. General Information

1. Charter Amendment at <https://www.columbus.gov/civilianreviewboardworkgroup/>
2. National Association for Civilian Oversight of Law Enforcement, at <https://www.nacole.org/>
3. Standard Operating Procedures Manual
4. Administrative Investigations – Division Directive 6.00
5. Complaints – Division Directive 9.07
6. Discipline Tracking System – Division Directive 9.08

B. Meeting One – August 4, 2020

1. Meeting One Agenda
2. Meeting One Presentation
3. August 4, 2020 Work Group Meeting Notes
4. How Civilian Review Boards Can Further Police Accountability and Improve Community Relations
5. Columbus Police Use of Force Policy – Division Directive 2.01
6. Police Oversight Functions in 17 Largest Cities
7. Civilian Oversight of Law Enforcement - Assessing the Evidence
8. Civilian Oversight of Law Enforcement - A Review of the Strengths and Weaknesses of Various Models
9. Police Review Boards and Police Accountability
10. FOP Contract (2017-2020)
11. Matrix Report
12. Columbus Community Safety Advisory Commission Report

C. Meeting Two – August 20, 2020

1. Meeting Two Agenda
2. Meeting Two Presentation - August 20, 2020
3. August 20, 2020 Work Group Meeting Minutes
4. Chicago Police Board Annual Report

D. Meeting Three – September 2, 2020

1. Meeting Three Agenda
2. Inspector General Roles and Responsibilities

3. September 2, 2020 Work Group Meeting Minutes
- E. Meeting Four – September 22, 2020
 1. Meeting 4 Agenda
 2. September 22, 2020 Work Group Meeting Minutes
 3. Meeting 4 Presentation - Foundational Review and Collective Bargaining
 4. Bargaining Presentation
 - F. Meeting Five – October 6, 2020
 1. Meeting 5 Agenda
 2. Bargaining Presentation - Part 2
 3. Goldberg Fact Finding Report
 - G. Meeting Six – November 10, 2020
 1. Meeting Six Agenda
 - H. Meeting Seven – December 3, 2020
 1. Meeting Seven Notes
 - I. Recommended Readings
 1. Darrel W. Stephens, *Civilian Oversight of the Police in Major Cities*, U.S. Department of Justice Community Oriented Policing Services (2018), (Ex. B);
 2. *The Police Union Contract Project*, available at <http://www.checkthepolice.org> (last visited 7/6/2020), (Ex. C);
 3. Sharon R. Fairley, *Survey Says?: U.S. Cities Double down on Civilian Oversight of Police Despite Challenges and Controversy*, *Cardozo L. Rev.* (2020), (Ex. D);
 4. *An Interactive Guide to the Civil Rights Division's Police Reforms*, the Civil Rights Division of the U.S. Department of Justice (Jan. 18, 2017), available at <https://www.justice.gov/crt/page/file/922456/download>